

RESOLUTION NO. 2023-01

**RESOLUTION OF THE BOARD OF DIRECTORS
OF DURHAM IRRIGATION DISTRICT ADOPTING PROPOSED WATER RATES**

WHEREAS, Durham Irrigation District (“District”) is a California Irrigation District formed and existing under the provisions of Division 11 of the Water Code of the State of California; and

WHEREAS, on December 20, 2022, the Board of Directors adopted Resolution No. 2022-10 repealing water rates to those in existence immediately prior to January 1, 2019, adopting the remedy sought by a voter initiative petition that was not submitted to the voters due to a mistake and/or professional negligence; and

WHEREAS, the water rates in existence immediately prior to January 1, 2019 and in effect January 1, 2023 as a result of the water rate repeal instituted by Resolution No. 2022-10 are below District’s current cost of providing water service to its customers; and

WHEREAS, the District caused a Cost of Service analysis to be prepared describing the District’s costs of providing water service to its customers; and

WHEREAS, at least 45 days prior to the public hearing, the District caused a notice to be mailed informing landowners and customers in the District of proposed water rates, fees, and water rate policies and informing landowners and customers of a public hearing on March 20, 2023 to present protests against the proposed water rates, fees and water rate policies, pursuant to Article XIII D of the California Constitution (“Proposition 218”); and

WHEREAS, the District’s Cost of Service analysis was published on the District’s website and available for review at the District’s office prior to and at the public hearing; and

WHEREAS, the District caused protests to be collected by mail or hand-delivered at or before a duly noticed public hearing held on March 20, 2023; and

WHEREAS, the Board of Directors, at a duly noticed public hearing conducted at 6 p.m. on March 20, 2023, did receive and consider public comment regarding the proposed water rates; and

WHEREAS, the District identified 439 unique parcels affected by the water rates; and

WHEREAS, the Board of Directors has counted the validly submitted protests received in connection with proposed water rates, fees and water rate policies and has determined that the written protests received represent less than 50% of the affected parcels subject to the proposed water rates, fees, and water rate policies; and

WHEREAS, the Board of Directors has considered the comments, both oral and written, presented.

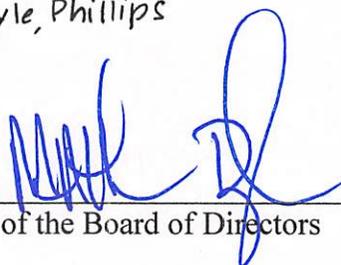
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NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Durham Irrigation District as follows:

1. The Recitals set forth in this Resolution are true and correct statements and are incorporated as an operative part of this Resolution and made findings and determinations of the Board. The District's Cost of Service analysis is incorporated herein by this reference as additional findings and determinations of the Board.
2. Revenues derived from the water rates and fees approved by this resolution do not exceed the funds required to provide the water service, and will not be used for any purpose other than the water services described in District's Cost of Service analysis.
3. The amount of water rates imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the water service attributable to the parcel.
4. The schedules of proposed water rates, fees, and water rate policies described in the Cost of Service analysis are hereby adopted, District staff is hereby authorized and directed to take all actions necessary to implement and collect the rates and charges set forth therein.
5. The water rates, fees, and water rate policies approved by this Resolution are either not a project under the California Environmental Quality Act ("CEQA") or are necessary for the operation and maintenance of the District and are, therefore, exempt from CEQA.
6. This Resolution shall take immediate effect upon its adoption.

PASSED AND ADOPTED by the Board of Directors of Durham Irrigation District at a special meeting duly called and held on March 20, 2023, by the following roll call vote:

AYES: 3 - Cooper, Doyle, Phillips
NOES: None
ABSTAIN: None
ABSENT: None



Chair of the Board of Directors

Attest:



Secretary to the Board of Directors